



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

**COPY MAILED**  
**SEP 26 2008**

In re Patent No. 7,347,420 :  
Kobayashi et al. : LETTER REGARDING  
Issue Date: March 25, 2008 : PATENT TERM ADJUSTMENT  
Application No. 10/781,810 : AND  
Filed: February 20, 2004 : NOTICE OF INTENT TO ISSUE  
Atty Docket No. 03500.017916. : CERTIFICATE OF CORRECTION

This is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed April 30, 2008. Patentees disclose that the PAIR system indicates an incorrect number of days of patent term adjustment.

The request for review of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of three hundred thirty-nine (339) days.

On March 25, 2008, the above-identified application matured into U.S. Patent No. 7,347,420. The Patent issued with a revised Patent Term Adjustment of 459 days. Patentees disclose that the patent term adjustment may be incorrect, but do not state a basis for their disclosure.

Nonetheless, a review of the record supports a conclusion that entry of a period of reduction is warranted. 37 CFR 1.704(c) provides, in pertinent part, that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or

(ii) Four months; ...

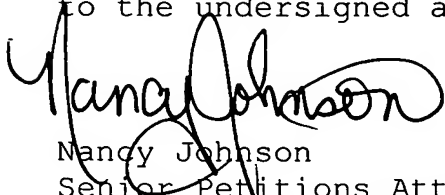
On October 15, 2007, after the mailing of the notice of allowance on September 27, 2007, patentees filed a paper entitled a REQUEST FOR CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT AND REFERENCES CITED THEREIN. The IDS did not include a §1.704(d) statement. A 1449, the acknowledgment of the IDS, is in the image file wrapper and is dated February 20, 2008. The patent issued on March 25, 2008. Thus, the period of reduction pursuant to 37 CFR 1.704(c)(10) is properly calculated as the lesser period of four months. Accordingly, a period of reduction of 120 days for applicant delay has been entered.

In view thereof, the patent term adjustment indicated on the patent should be THREE HUNDRED THIRTY-NINE (339) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by THREE HUNDRED THIRTY-NINE (339) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looping initial "N" and a cursive "J".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,347,420 B2

DATED : March 25, 2008

DRAFT

INVENTOR(S) : Kobayashi et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 459 days

Delete the phrase “by 459 days” and insert – by 339 days--